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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**JOHN ARMSTRONG, et al.,**

Plaintiffs,

**v.**

**GAVIN NEWSOM, et al.,**

Defendants.

C 94-2307 CW

**DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE DOCUMENTS  
UNDER SEAL IN SUPPORT OF  
DEFENDANTS' SUR-REPLY TO  
PLAINTIFFS' MOTION FOR A  
PERMANENT INJUNCTION AT SEVEN  
ADDITIONAL PRISONS AND  
STATEWIDE [ECF No. 2948]**

Judge: The Honorable Claudia Wilken

**TO ALL PARTIES AND ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that Defendants move to seal several categories of information from documents in support of their sur-reply to Plaintiffs' motion at ECF No. 2948, including personal and identifying information, information that would disclose the identities of inmate witnesses and declarants, and safety and security information pursuant to Civil Local Rules 7-11 and 79-5.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Defendants move this Court to file documents under seal pursuant to Civil Local Rules 7-11 and 79-5. Rule 79-5(d) requires the submitting party to submit a declaration establishing that the documents are sealable, a proposed order listing the sealable information in table format, and redacted and unredacted versions of the documents. Additionally, when submitting documents designated as confidential by the opposing party, under Rule 79-5(e), the submitting party's declaration must identify the documents designated as confidential.

On February 28, and June 3, 2020, Plaintiffs moved to seal several categories of information from documents in support of their R. J. Donovan and statewide motions, including inmate personal and identifying information, and information that would disclose the identities of inmate witnesses and declarants. (ECF Nos. 2920, 2947.) On September 9, 2020, this Court ordered that this information be sealed. (ECF Nos. 3061, 3062.) These categories of information are also present in documents Defendants will file to support their sur-reply to Plaintiffs' statewide motion. Therefore, in compliance with Rule 79-5, Defendants have concurrently filed a declaration identifying the sealable information in these documents, redacted copies of the documents, and unredacted copies of the documents under seal. Defendants have also submitted a proposed order for sealing these documents.

Local Rule 79-5(e) also requires Plaintiffs to submit a declaration establishing that this material is sealable, and they have already done so in support of their February 28, and June 3, 2020 motion to seal these categories of information. (*See* ECF Nos. 2920, 2947.) Moreover, Defendants did not object to Plaintiffs' request to seal this information. (ECF Nos. 2925, 2950.) Instead, Defendants submitted declarations in support of sealing these categories of information, explaining the importance of protecting identifying information of inmate witnesses, in addition to the significant safety and security risks associated with the public disclosure of this information. (ECF Nos. 2925 ¶ 11; 2950 ¶ 7.)

In addition to the above, Defendants also seek to seal specific safety and security information that, if disclosed, would endanger staff and inmates and threaten the security of CDCR's institutions.

1 Based on the foregoing, Defendants respectfully request that this Court grant Defendants'  
2 administrative motion to seal this information in their sur-reply to Plaintiffs' statewide motion.

3 Dated: November 17, 2020

Respectfully submitted,

4 XAVIER BECERRA  
5 Attorney General of California  
6 JOANNA HOOD  
7 Supervising Deputy Attorney General

8 /s/ Anthony Tartaglio  
9 ANTHONY J. TARTAGLIO  
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